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Department of Education

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

DIVINE N. NYIAWUNG,
Debtor

DIVINE N. NYIAWUNG,
Plaintiff,

v.

THE U.S. DEPARTMENT OF
EDUCATION,
Defendant.

Case Number: 22-40639-MXM

(Chapter 7)

Adv. No. 23-04036-MXM

STIPULATION FOR ENTRY OF AGREED JUDGMENT

It is hereby stipulated to and agreed to by and between Divine N. Nyiawung and Defendant the United States Department of Education, that the parties seek the entry of an Agreed Judgment by this Court, and in support thereof, the parties state:

1. On March 28, 2022, Nyiawung commenced the above-captioned bankruptcy case by filing a petition under Chapter 7 of Title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”).

2. On June 6, 2023, Nyiawung commenced the above-captioned adversary proceeding (the “Adversary Proceeding”) against the U.S. Department of Education by filing the Complaint to Determine Federal Student Loans Dischargeable for “Undue Hardship” under 11 U.S.C. § 523(a)(8), *see* Adv. Pro. ECF No. 1 (the “Complaint”).

3. In the Complaint, Nyiawung seeks to discharge, pursuant to 11 U.S.C. 523(a)(8), the following student loan debt (the “Student Loan Debt”):

NSLDS Loan Number	Balance as of July 10, 2023	Loan Status July 10, 2023
21	\$122,355.23	Forbearance
20	\$ 38,852.08	Forbearance
Total Balance ED HELD Loans	\$161,207.31	

4. Pursuant to the November 17, 2022, Guidance for Department Attorneys Regarding Student Loan Bankruptcy Litigation, Nyiawung submitted an Attestation in Support of Request for Stipulation Conceding Dischargeability of Student Loans (the “Attestation”).

5. After reviewing the Attestation, Education agrees that Nyiawung meets the criteria set forth in the Guidance and that the Court should discharge, pursuant to 11 U.S.C. § 523(a)(8), the Student Loan Debt.

6. The parties desire to amicably resolve the matters at issue in this Adversary Proceeding and, therefore, have agreed to enter into the Agreed Judgment attached hereto as Exhibit B.

The parties hereby respectfully request that the Court enter the Agreed Judgment attached hereto as Exhibit B.

DATED July 17, 2024.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES
ATTORNEY

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Co-Counsel for Plaintiff

Certificate of Service

On July 17, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. Bankruptcy Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Dawn Whalen Theiss
Dawn Whalen Theiss
Assistant United States Attorney